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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,878	01/17/2001	Takahiko Kawashima	826.1664	4982

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EXAMINER

CHANG, SABRINA A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/760,878

Applicant(s)

KAWASHIMA ET AL. *ST*

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Non-functional descriptive material is not statutory even in combination with a storage medium in that no useful, concrete or tangible result is produced. The transaction slip data document is merely non-functional descriptive material stored and outputted by the "record medium" without any functional interrelationship, and thus does not impart functionality.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haluska U.S. Patent No. 5,638,519 in view of McElhiney U.S. Patent No. 5,71,915.

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Haluska discloses a computer-implemented method for automatically controlling and tracking information related to business transactions occurring between a provider and a receiver of goods (transaction slip data). The system acts as a third party storage facility for transaction information between buyers and sellers. The system's databases store records of shipment, invoices, order history, manufacturer claims, etc. and are accessible to both manufacturers and distributors [Col 8, Line 54] (extracting and transmitting information extracted from the database of transaction slip data). Information retrieved from the system is prepared in EDI format [Col 7, Lin 5] (converting the format of the transaction slip data into a format with which a transmission destination can deal).

Haluska does not explicitly disclose that "management data" is extracted from the "transaction slip data" and that the "management data" is stored and searched in correlation with the transaction slip data.

In large databases, such as those that store sales records, performance can be considerably improved if records being accessed are grouped together [Col 1, Line 14]. By decomposing many millions of records into many separate clustered search sub-tables, significant performance increases can be realized without using additional hardware or non-standard database software [Col 2, Line 63]

McElhiney discloses a database organization system utilizing this sub-set search methodology. The system is comprised of an input table, a large denormalized table containing all of the data. From the input table a search table is constructed, containing only the fields that are deemed to be valid constraints for searching purposes, and a detail table, containing only those fields that not used as constraints for searching purposes [Col 3, Line 43] (extracting and

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storing data as a search item of the data record; inherently comprising searching the subset of data, i.e. "management data", so as to extract the correlated data record; inherently comprising that the designation of a search item is dynamically changeable – the administrator sets the constraints for the system). The values from the search and detail tables are linked by matching serial values [Col 5, Line 43] (wherein correlation between search/"management" data and the detail data record, transaction slip data, is managed with a document identifier that is common therebetween).

McElhiney does not explicitly disclose that the data decomposed by the system is "transaction slip data" or that the system is implemented specifically for e-commerce.

The system disclosed by McElhiney is designed to manage any type of data, which involves a large amount of data records [Col 4, Line 23]. McElhiney explicitly states that sales records ("transaction slip data") and commerce involve large sets of data records [Col 1, Line 25]. The data stored is non-functionally descriptive in nature and the data managed and stored by the system of McElhiney could have been of type, transaction slip/sales or otherwise.

It therefore would have been obvious to one skilled in the art to modify the third party commerce transaction information storage system of Haluska to incorporate the general database management system of McElhiney, in order to more efficiently manage and search the large amount of data records.

In specific reference to claim 5, the combination of Haluska/McElhiney does not explicitly provide that the transaction slip data document is an XML document and the search item is dynamically changed by changing the designation of an extraction of an item corresponding to a tag of the XML document.

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XML documents are merely format of presenting data allowing designers to enable the definition, transmission, validation, and interpretation of data between applications and between organizations. Just as the type of data stored on the database is non-functionally descriptive, so is the format of the data, it therefore would have been obvious for the system of Haluska/McElhiney to be able to store *any* type or format of data in a system that contains a large number of data records.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meltzer discloses system and method for connecting business partners using XML documents. Metzger does not disclose the storage of the XML documents.

Burgess discloses a relational database method and system which divides a database into multiple data segments which may be independently stored on one of a variety of storage devices. Hanes discloses a method and system for automatically migrating computer data from one storage technology to another. Burgess and Hanes do not disclose the ability to extract information from the newly formed data records.

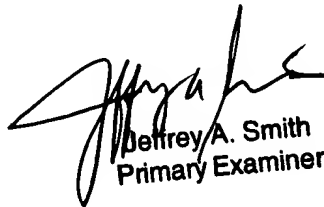
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703 308 3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC



Jeffrey A. Smith  
Primary Examiner